

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DENISE DIAZ,

Plaintiff,

-against-

THE CITY OF THE NEW YORK, NEW YORK COUNTY  
DISTRICT ATTORNEY'S OFFICE, THE NEW YORK  
CITY POLICE DEPARTMENT, RAYMOND W. KELLY,  
individually and in his capacity as the former Commissioner of  
the New York City Police Department, JOSE FLORES,  
individually and in his official capacity as Investigator for the  
New York County District Attorney's office, JOHN DOE  
1,individually and in his official capacity as Captain in the  
NYPD, and JOHN DOE 2, individually and in his official  
capacity as an Officer in the NYPD or the New York City  
District Attorney's Office,

Defendants,

ECF

13 CV 8281 (PAC)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and papers herein, the undersigned will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on May 12, 2014, or as soon thereafter as counsel may be heard, for an order pursuant to 12(b)(1)&(6) of the Federal Rules of Civil Procedure dismissing the complaint as to defendants and the New York County District Attorney's Office for failure to state a claim upon which relief may be granted, and for any other fair and equitable relief that may be appropriate.

CYRUS R. VANCE, JR.  
District Attorney, New York County  
as Special Assistant Corporation Counsel  
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By: \_\_\_\_\_/S/\_\_\_\_\_  
Maureen T. O'Connor (MO9099)  
Assistant District Attorney  
Of Counsel

TO: Theresa D'Andrea  
Assistant Corporation Counsel  
New York City Law Department  
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